

Bozman, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DRUBNER & HARTLEY, L.L.C.,

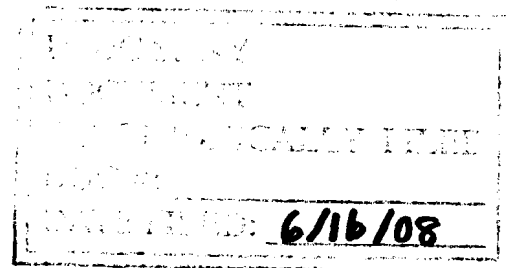
Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF
COMMERCE, AND THE NATIONAL
TECHNICAL INFORMATION SERVICE,

Defendants.
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ECF CASE



**STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL**

08 Civ. 02355 (RMB)

WHEREAS, on or about March 6, 2008, Plaintiff Drubner & Hartley, L.L.C. ("Plaintiff") filed the above-captioned action against the United States Department of Commerce and the National Technical Information Service, (the "Government"), pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552;

WHEREAS, Plaintiff sought "a list of all businesses, companies, or corporations (hereinafter businesses) who purchased the [Social Security Administration's] Death Master File ("DMF") in any format whatsoever (*i.e.*, Online, DVD, CD, Hardcopy, etc.) . . . within the past five calendar years." (Compl. ¶ 6);

WHEREAS, the Government maintains that this information is exempt from FOIA disclosures pursuant to the deliberative process exemption (*see* 5 U.S.C. § 552(b)(5));

WHEREAS, Plaintiff subsequently limited its request in scope and time, and the Government agreed to consider Plaintiff's revised request and provide to Plaintiff a limited list of customers pursuant to the revised criteria agreed to by all parties (the "Limited List");

WHEREAS, the Government has produced the Limited List to the Plaintiff;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and the Government, as follows:

1. Plaintiff's claims against the Government in the above-captioned action are hereby dismissed with prejudice, and without interest, costs, or fees to any party.

2. This Stipulation and Order of Settlement and Dismissal ("Stipulation") shall not constitute an admission on the part of the Government that the documents or other information released or provided to Plaintiff are subject to disclosure under FOIA, or that the Government's initial decision not to release the documents or provide the information lacked a reasonable basis.

3. The parties understand and agree that this Stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Clerk to close this case.

Dated: New York, New York
June 13, 2008

DRUBNER & HARTLEY, L.L.C.

By: 

CHARLES HELLMAN, ESQ.
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New York, New York 10119
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Dated: New York, New York
June 13, 2008

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SO ORDERED


THE HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE

6/16/08